

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ROUNDUP PRODUCTS LIABILITY LITIGATION	MDL No. 2741 Case No. 16-md-02741-VC
This document relates to: <i>Tam v. Monsanto</i> , 20-cv-4216	<b>ORDER GRANTING SUMMARY JUDGMENT</b>  Re: Dkt. No. 20

Summary judgment is granted in favor of Monsanto because the plaintiff, Wesley Tam, has failed to disclose a specific causation expert.


Tam’s counsel argues that he doesn’t need a specific causation expert because he “is not seeking redress for having developed cancer as a result of exposure to Roundup.” Dkt. No. 21 at 3. Rather, if properly warned, he “would never have purchased, let alone used, Roundup.” *Id.* at 4. To the extent that this theory is about the money he spent on Roundup, and not medical injuries, it is simply not the case described in the complaint. The complaint alleges that Roundup caused Tam to develop NHL. Dkt. No. 1-1 ¶ 101. It alleges that Roundup caused his teeth to fall out. *Id.* ¶ 102. It alleges that he “has suffered and continues to suffer grave injuries, and has endured pain and discomfort, as well as economic hardship, including considerable financial expenses for medical care and treatment.” *Id.* ¶ 131. Those sorts of toxic tort claims require expert testimony of specific causation. *See, e.g., Chapman v. Procter & Gamble Distributing, LLC*, 766 F.3d 1296, 1316 (11th Cir. 2014).

The complaint states in passing that Tam purchased Roundup himself. Dkt. No. 1-1 ¶ 99. It’s not clear whether he paid for it with his own money or was making the purchase on behalf of

his employer, a landscaping company. If he purchased it himself, the new theory implied by the opposition brief—that he would have paid less for Roundup had he been warned—may make him a member of the pending consumer class action in *Gilmore v. Monsanto*, 21-cv-8159. But this case is about Tam’s alleged medical problems. Any reasonable lawyer would have known that an expert was required to prove specific causation.

**IT IS SO ORDERED.**

Dated: November 3, 2022



---

VINCE CHHABRIA  
United States District Judge